

**United States Government  
National Labor Relations Board  
OFFICE OF THE GENERAL COUNSEL**

## Advice Memorandum

DATE: May 3, 2007

TO : Alan Reichard, Regional Director  
Region 32

FROM : Barry J. Kearney, Associate General Counsel  
Division of Advice

SUBJECT: Carpenters Local 971 (Gore Drywall)  
Case 32-CC-1544

This case was submitted for advice as to whether the Union violated Section 8(b)(4)(i) and/or (ii)(B) by displaying two banners naming a neutral, when one was located over 1700 feet from the work site the other was 1500 feet from the neutral Employer's corporate headquarters.

In agreement with the Region, we conclude that the charge should be dismissed, absent withdrawal, because (1) the banners were too far removed from the sites either to constitute (ii) picketing or to coerce the neutral through fraudulent or misleading language, and (2) there is no evidence that the conduct constituted inducement or encouragement of neutral persons under (i).

We agree with the Region that the Union's bannering activity did not constitute picketing where the banners were held 1700 and 1500 feet from the targeted sites, they did not impede ingress or egress from either site, they were held by individuals who were not wearing any union insignia, and there were multiple alternative routes of access to both sites. In all these circumstances, we conclude that the location of the Union's banners were too far removed from the targeted neutral Employer sites to generate the requisite confrontation with members of the public to find that the conduct amounted to picketing.<sup>1</sup>

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<sup>1</sup> See Carpenters Local 971 (Gore Acoustics), Case 32-CC-1531, Advice Memorandum dated March 22, 2006 (no coercive impact at .6 and 1.5 miles from neutral site); Carpenters Local 1506 (Sherman & Howard, LLC), Case 28-CC-964, Advice Memorandum dated June 21, 2004; (no coercive impact at 300 feet); Carpenters Local 1506 (Universal Technical Institute, Inc.), Case 28-CC-960, Advice Memorandum dated May 5, 2004 (no coercive impact at 600 feet); Carpenters Local 1506 (Brinker Intl. Payroll Co.), Case 21-CC-3335,

Moreover, the misleading language on the banners -- naming the neutral in connection with a "labor dispute" -- did not coerce the neutral within the meaning of Section 8(b)(4)(ii)(B) because there was not a sufficient nexus to the site of the dispute to have a coercive impact.<sup>2</sup>

We also conclude that there is no evidence that the bannering had either the intent or the effect of inducing or encouraging a work stoppage on the part of any neutral persons. The words of the accompanying handbill so indicated, and the bannering -- not even visible from the worksite location -- did not cause any neutral person to cease performing services. Thus, there is no merit to the 8(b)(4)(i)(B) allegation.<sup>3</sup>

Accordingly, the Region should dismiss the charge, absent withdrawal.

B. J. K.

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Advice Memorandum dated February 19, 2004 (no coercive impact at 450 feet).

<sup>2</sup> See Universal Technical Institute, supra. (despite misleading message, banner too distant from employer's entrance to cause third persons to turn away from the site).

<sup>3</sup> See, e.g., Laborers Local 332 (C.D.G., Inc.), 305 NLRB 298, 305 (1991); Carpenters Local 316 (E & E Development Co.), 247 NLRB 1247, 1248-49 (1980).